



Planning Department

TOWN OF ACTON
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MEMORANDUM

To: Board of Appeals

Date: July 18, 2013

R. B.

From: Roland Bartl, AICP, Planning Director

Subject: **Hearing #13-04**
Application for Special Permit under ZBL Section 8.1.5

Location: 102 Main Street
Map/Parcel: H2-A/72
Owner/Owner: David Getsick
Existing Lot: Area: 8,267 square feet. Frontage: 69 feet
Existing Building: 2-family dwelling; +/- 4 feet front yard
Zoning: Residence 2 (min. area 20,000 sq. ft., min. frontage 150 ft.; min. front yard 30 ft.)
Filing Date: **July 8, 2013**
Public Hearing: **August 5, 2013**
Decision Due Date: **November 3, 2013**

The application is for zoning approval of a secondary entry/exit for the upper story unit of the two-family dwelling as required under the MA Building Code. The proposed exterior staircase constitutes an extension of a two-family dwelling on a nonconforming lot. An extension can be allowed by right if, among other things, the extension complies with applicable yard requirements (ZBL, s. 8.1.4). The staircase as proposed does not comply with the minimum 30-foot front-yard requirement in the R-2 zoning district. Therefore the proposed staircase requires a special permit under ZBL, s. 8.1.5 ("In all other cases the Board Appeal may, by special permit, allow ...").

Planning staff recommends that the special permit be granted.

The existing building has a nonconforming front yard of +/-4 feet off the Main Street sideline. While not requested, the staircase in the proposed location technically also requires a special permit under ZBL, s. 8.3.3 for extending a building horizontally within the dimension of its existing nonconformity. Planning Staff recommends granting this special permit, also¹.

The existing side yard where the staircase is proposed measures +/-15 feet. It is assumed that the staircase when completed will comply with the minimum 10-foot side yard requirement of the R-2 zoning district.

¹ Despite the omission of section 8.3.3 from the public hearing notice the matter was sufficiently identified.

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